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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,835	04/26/2001	Janani Janakiraman	AUS920010095US1	8492

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EXAMINER

THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,835	JANAKIRAMAN ET AL.	
	Examiner	Art Unit	
	Steven B. Theriault	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Appeal Brief filed 02/21/2006.
This action is made Final.
2. Claims 1 -33 are pending in the case. Claims 1, 8 and 15 are the independent claims.
3. In view of the appeal brief filed on 02/21/2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is necessitated by amendment as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:
Weilun Lo

Response to Amendment

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

5. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-3, 6-10, 13-17, 20-22, 24-26, 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Berckmans et al U.S. Patent 6,876,981 issued Apr. 5, 2005 and filed Oct. 26, 1999.**

In regard to **Independent claim 1**, Berckmans teaches a method for presenting graphical data to a user, comprising the steps of:

- Analyzing a set of graphical data to determine a set of critical factors present in the graphical data; (Berckmans column 5, lines 25-30 and figure 3) Berckmans shows the analyzing of stock information by the user where the user determines which critical factors related to stocks such as price, bid/ask, horizon, etc are relative and which they want to see in the display
- Ranking the determined critical factors according to respective priorities set for each of the critical factors; (Berckmans Figure 3-9 and column 8, lines 50-67) Berckmans teaches the ability to set factors to determine certain outcomes where the settings comprise a ranking of stocks based on the settings to see if a particular investment strategy will transpire
- Generating a textual description of the set of graphical data, ordered according to the priority of the respective critical factor (Berckmans Figure 3) Berckmans shows the textual data generated in the display in which a textual description is placed on the data such as the company name or the call date as shown in figure 3. Also the data in the display is descriptive in that the user gleans from the data information about the particular securities in the display.

With respect to **dependent claim 2**, Berckmans teaches the method as recited wherein the set of critical factors and the textual description are selected according to a selected mode (Berckmans column 5, lines 20-30) Berckmans teaches other types of securities can be presented with the corresponding information which would change the mode of the device. If the user is looking at stocks it is in one mode and if the user is looking at bonds it is in another.

With respect to **dependent claim 3**, Berckmans teaches the method as recited wherein the mode is selected according to a URL associated with the set of graphical data (column 5, lines 1-15).

With respect to **dependent claim 6**, Berckmans teaches the method wherein said priority of the respective critical factor is determined in accordance with said selected mode (Berckmans column 5, lines 20-30) Berckmans teaches other types of securities can be presented with the corresponding information which would change the mode of the device. If the user is looking at stocks it is in one mode and if the user is looking at bonds it is in another.

With respect to **dependent claim 7**, Berckmans teaches the method wherein said step of generating said textual description of the set of graphical data includes generating said textual description in accordance with one or more textual templates (Figures 3-9) Berckmans shows the textual formats related to the individual type of security.

In regard to **claims 8-10, 13-14, 24, 29 and 32** claims 8-10, 13-14, 24, 29 and 32 reflect the computer program product comprising computer readable instructions used for performing the method steps as claimed in 1-3, 6-7, 22, 28 and 31, respectively and are rejected along the same rationale.

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In regard to **claims 15-17, 20-21, 25, 26, 30 and 33** claims 15-17, 20-21, 25,26, 30 and 33 reflect the system comprising computer readable instructions used for performing the method steps as claimed in 1-3, 6-7, 22, 28 and 31, respectively and are rejected along the same rationale.

With respect to **dependent claim 22**, Berckmans teaches the method wherein the graphical data further comprises data in a format that produces a non-textual image on the display screen (Berckmans Figures 3 and 5A and column 6, lines 15-30)

With respect to **dependent claim 28**, Berckmans teaches the method wherein the set of critical factors includes characteristics of data illustrated in a displayed multi-dimensional graph (Berckmans Figure 3 and column 6, lines 15-30).

With respect to **dependent claim 31**, Berckmans teaches the method wherein the textual description of the set of graphical data describes in words an illustrated description of the graphical data (Berckmans Figure 3 and column 6, lines 15-67).

Claim Rejections - 35 USC § 103

7. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4-5, 11-12, 18-19, 23 are rejected under 35 U.S.C 103(a) as being unpatentable over Berckmans et al U.S. Patent 6,876,981 issued Apr. 5, 2005 and filed Oct. 26, 1999 in view of W3C et al (hereinafter W3C) " Web Content Accessibility Guidelines 1.0" 5 May 1999.

With respect to **dependent claims 4, 11, 18, 23** as indicated in the above discussion Berckmans teaches every element of claims 1, 8 and 15.

Berckmans fails to expressly teach the *method wherein said step of generating said textual description further comprises the step of generating said textual rendition in an aural format and using image analysis software for converting the graphical data.*

However, W3C teaches a process of creating text-equivalents of non-text content that can be rendered in ways that can be presented to a text to speech synthesizer for the purposes of delivering information to users who cannot easily read or see the information in the display. Further W3C teaches a process of using analysis software to convert the graphical data (See guideline 12. W3C and Berckmans are analogous art as they both describe processes for displaying information to a wide variety of users and for coloring information for the user and for presenting information in web browsers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Berckmans to incorporate the attributes of W3C to render graphical data in an aural format. The motivation to perform such modification comes from the

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expressed motivation to provide information to a wide audience that would contain those with disabilities or those that prefer to have content rendered audibly (See W3C Abstract)

With respect to **dependent claims 5, 12, 19**, as indicated in the above discussion Berckmans teaches every element of claims 1, 8 and 15.

Berckmans fails to expressly teach the method wherein said step of generating said textual description further comprises the step of generating said textual rendition in a tactile format.

However, W3C teaches a process of creating tactile displays (Braille) of text content for the purposes of delivering information to users who cannot easily read or see the information in the display (See guideline 5). W3C and Berckmans are analogous art as they both describe processes for displaying information to a wide variety of users and for coloring information for the user and for presenting information in web browsers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Berckmans to incorporate the attributes of W3C to render graphical data in a tactile format. The motivation to perform such modification comes from the expressed motivation to provide information to a wide audience that would contain those with disabilities or those that prefer to have content rendered in Braille (See W3C Abstract)

Claim 27 is rejected under 35 U.S.C 103(a) as being unpatentable over Berckmans et al U.S. Patent 6,876,981 issued Apr. 5, 2005 and filed Oct. 26, 1999

With respect to **dependent claim 27**, as indicated in the above discussion Berckmans teaches every element of claim 8. Berckmans does not expressly teach the method wherein the graphical data is selected from a group of GIF, JPEG and PNG data types. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of

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Berckmans, because of the suggestion of using means to deliver in part or in entirety the computing modules that present the information in the browser using CGI scripts, which are known in the art to comprises well known processes of presenting GIF and JPEG information to a browser window.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

8. Applicant's arguments, see Page 9, Para 4, Lines 1-4, filed 07/01/2005, with respect to the rejection(s) of claim(s) 1-33 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Berckmans et al U.S. Patent 6,876,981.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WWW. STOCKCHARTS.COM et al "How to use stockcharts.com" Oct 10, 2000 and discloses a website that comprises mechanisms to provide financial and graphical data with sets of critical factors such as moving averages, resistance levels, trends and a host of technical analysis information and where the images are graphical data represented and interactive to the user.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBT


WEILUN LO

SUPERVISORY PATENT EXAMINER